Government Appeal no. 1980 of 2001

State ---------- Appellant

Versus

Chandra Shekhar and others---------- Respondents

Hon'ble Irshad Hussain J.

Heard learned G.A. and Sri Arvind Vashistha, learned counsel for the respondents.

There is a delay in filing the appeal. In the affidavit of S.I., S.S.Negi it has been averred that the delay was caused due to the fact that after opinion was received the matter was referred to the government for permission to file the appeal. It appears to be procedural delay and considering this the delay is condoned.

Perused the impugned judgment. The respondents-accused have been acquitted for the offence punishable under sections 498- IPC and ¾ Dowry Prohibition Act. A perusal of the judgment indicates that the relevant evidence has been considered on merit It is also significant to mention that the parties moved an application u/s 13-B of the Hindu Marriage Act to have their marriage dissolved by a decree of divorce and the Principal Judge, Family Court, by order dated 4.7.2002 has granted the desired decree of divorce. Papers to this effect have been furnished on behalf of the respondents-accused. It has also been pointed out hat both the parties to the marriage after divorce have remarried and are living happily with their respective spouses. Considering to totality of the circumstances of the case, leave to appeal is refused. Consign.

(Irshad Hussain J.

11.03.2003
MPS